



09729141 10280327
AUS FWC-I-R 07037.0195

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Logemann et al.
Serial No. : 09/729,141 Examiner: To Be Assigned
Filed : December 1, 2000 Group Art Unit:1652
For : TRANSGENIC PATHOGEN-RESISTANT ORGANISMS

RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID
SEQUENCE DISCLOSURES

I hereby certify that this paper is being deposited with the United States Postal Service as
first class mail in an envelope addressed to: Assistant Commissioner for Patents,
Washington, D.C. 20231

October 21, 2002
Date of Deposit

Carmella Stephens
Attorney Name

41,328
PTO Registration No

Carmella L. Stephens
Signature

October 21, 2002
Date of Signature

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Notice to Comply with Requirements for Patent
Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures dated
April 26, 2002 in the above-identified application. Applicants request a three month extension of
time for this response and enclose the requisite extension of time fee as required under 37 C.F.R.
§ 1.17(a)(3).

Applicants submit herewith a substitute Sequence Listing in computer and paper form in accordance with 37 C.F.R. §1.821-1.825. The content of the paper and computer readable copies of the Sequence Listing submitted in accordance with 37 C.F.R. §1.821(c) and (e) are the same and do not include new matter. Also enclosed is a copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures.

Applicants respectfully request consideration of the following amendments.

IN THE SPECIFICATION

Please **delete** the Sequence Listing and **insert** the substitute Sequence Listing submitted herewith.

Applicants request a three month extension of time and enclose herewith the required fee pursuant to 37 C.F.R. § 1.17(a)(3). Should any additional fees be required in connection with this response, the Commissioner is hereby authorized to charge Deposit Account Number 02-4377. A duplicate of this page is enclosed.

Respectfully submitted,
BAKER BOTTS LLP

Curran L. Stephens
Lisa B. Kels

Lisa B. Kole

Patent Office Reg. No. 35,225

Carmella L. Stephens

Patent Office Reg. No. 41,328

Attorneys for Applicants

30 Rockefeller Plaza
New York, NY 10112-4498
(212) 408-2500



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/729,141	12/01/2000	Jurgen Logemann	29542 FWCI

Lisa B Kole Esq
Baker & Botts LLP
30 Rockefeller Plaza
New York, NY 10112



CONFIRMATION NO. 2567

FORMALITIES LETTER



OC000000007964322

Date Mailed: 04/26/2002

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

*A copy of this notice **MUST** be returned with the reply.*

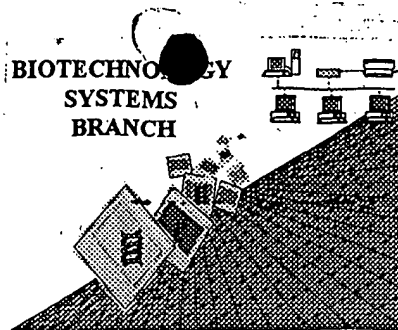
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



BIOTECHNOLOGY
SYSTEMS
BRANCH



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DEC 27 2000

TECH CENTER 1600/2900

RAW SEQUENCE LISTING ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/729,141

Source: ~~0000~~ 1652

Date Processed by STIC: 12/14/2000

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.

PATENTIN 2.1 e-mail help: patin21help@uspto.gov or phone 703-306-4119 (R. Wax)

PATENTIN 3.0 e-mail help: patin30help@uspto.gov or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER
VERSION 3.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND
TRADEMARK OFFICE WEBSITE. SEE BELOW:

Checker Version 3.0

The Checker Version 3.0 application is a state-of-the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 – 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO). Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address:

<http://www.uspto.gov/web/offices/pac/checker>



RAW SEQUENCE LISTING

PATENT APPLICATION US/09/729,141

DATE: 12/14/2000

TIME: 06:12:40

INPUT SET: S36208.raw

DEC 27 2000

This Raw Listing contains the General Information Section and up to the first 5 pages.

TECH CENTER 15002500

all headings must be in upper-case letters

GENERAL INFORMATION:

SEQUENCE LISTING

(1) General Information:

Does Not Comply
Corrected Diskette Needed

(i) APPLICANT:

(A) NAME: Logemann, Juergen

(B) STREET: Lavendeltuin 5

(C) CITY: NB Leiden

(E) COUNTRY: The Netherlands

(F) POSTAL CODE (ZIP): 2317

(A) NAME: Jach, Guido

(B) STREET: Maternusstrasse 22

(C) CITY: Koeln

(E) COUNTRY: Germany

(F) POSTAL CODE (ZIP): 50678

(A) NAME: Goernhardt, Birgit

(B) STREET: Auf dem Kneopp 28

(C) CITY: Koeln

(E) COUNTRY: Germany

(F) POSTAL CODE (ZIP): 51145

(A) NAME: Mundy, John

(B) STREET: NY Carlsberg Vej 6, 4th

(C) CITY: V Copenhagen

(E) COUNTRY: Denmark

(F) POSTAL CODE (ZIP): 1760

(A) NAME: Schell, Jeff

(B) STREET: Carl von Linne Weg 10

(C) CITY: Koeln

(E) COUNTRY: Germany

(F) POSTAL CODE (ZIP): 50829

(A) NAME: Eckes, Peter

(B) STREET: Am Flachsland 18

(C) CITY: Kelkheim (Taunus)

(E) COUNTRY: Germany

(F) POSTAL CODE (ZIP): 65779

(A) NAME: Chet, Ilan

(B) STREET: Shikun Ezrachi

(C) CITY: Nes Ziona

(E) COUNTRY: Israel

(F) POSTAL CODE (ZIP): 70400

FYI:

EPO format is
invalid for a U.S.
case

delete these lines

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RAW SEQUENCE LISTING
PATENT APPLICATION US/09/729,141DATE: 12/14/2000
TIME: 03:17:40

INPUT SET: S36208.raw

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DEC 27 2000

TECH CENTER 1600/2900

47
48 (ii) TITLE OF INVENTION: Transgenic pathogen-resistant organism49
50 (iii) NUMBER OF SEQUENCES: 1251
52 (iv) CORRESPONDENCE ADDRESS:

53 (A) ADDRESSEE: Baker & Botts

54 (B) STREET: 30 Rockefeller Plaza

55 (C) CITY: New York

56 (D) STATE: New York

57 (E) COUNTRY: U.S.A.

58 (F) ZIP: 10112

59

60 (v) COMPUTER READABLE FORM:

61 (A) MEDIUM TYPE: Floppy disk

62 (B) COMPUTER: IBM PC compatible

63 (C) OPERATING SYSTEM: PC-DOS/MS-DOS

64 (D) SOFTWARE: PatentIn Release #1.0, Version #1.25 (EPO)

65

66 (vi) CURRENT APPLICATION DATA:

--> 67 (A) APPLICATION NUMBER: ~~reissue application of U.S. Patent No.~~

68 5,804,184

69 (B) FILING DATE: herewith

70

71 (viii) ~~(vii)~~ ATTORNEY/AGENT INFORMATION:--> 72 (A) ~~ATTORNEY~~ NAME: Tenser, Arthur

73 (B) REGISTRATION NUMBER: 18,839

--> 74 (A) ~~(C)~~ ~~AGENT~~ NAME: Kole, Lisa75 (B) ~~(D)~~ REGISTRATION NUMBER: 35,22576 (C) ~~(E)~~ REFERENCE NO: A29542 FWC I- 37/31335

77 REFERENCE/DOCKET NUMBER:

78 (ix) ~~(viii)~~ TELECOMMUNICATION INFORMATION:

79 (A) TELEPHONE: (212) 408-2500

80 (B) TELEFAX: (212) 765-2519

81 (C) TELEX: 238555

82

83

84 (2) INFORMATION FOR SEQ ID NO: 1:

85

86 (i) SEQUENCE CHARACTERISTICS:

87 (A) LENGTH: 275 base pairs

88 (B) TYPE: nucleic acid

89 (C) STRANDEDNESS: single

90 (D) TOPOLOGY: linear

91

92 (ii) MOLECULE TYPE: cDNA

93

94 (vi) ORIGINAL SOURCE:

95 (A) ORGANISM: Aspergillus giganteus

96

97 (ix) FEATURE:

98 (A) NAME/KEY: 5'UTR

99 (B) LOCATION: 1..45

--> (vii) PRIOR APPLICATION DATA:

(A) APPLICATION NUMBER:

(B) FILING DATE:

use

the
serial
number

instead of

the patent
number and

insert it

next to

(A) APPLICATION NUMBER: 6



RAW SEQUENCE LISTING

PATENT APPLICATION US/09/729,141

DATE: 12/14/2000
TIME: 03:17:40

INPUT SET: S36208.raw

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DEC 27 2000

TECH CENTER 1600/2800

(ix) FEATURE:

- (A) NAME/KEY: CDS
- (B) LOCATION: 46..225
- (C) IDENTIFICATION METHOD: experimental
- (D) OTHER INFORMATION: /codon_start= 46
/function= "antifungal agent"
/product= "antifungal peptide"
/evidence= EXPERIMENTAL
/note= "antifungal agent, especially on
Rhizoctonia solani, various Aspergillus, Fusaria
and Trichophyton species"

(xi) SEQUENCE DESCRIPTION: SEQ ID NO: 1:

117	TTGCCACCCC CGTTGAAGCC GATTCTCTCA CCGCTGGTGG TCTGG ATG CAA GAG	54
118	Met Gln Glu	
119	1	
121	ATG AGA GCG CGG GTT TTG GCC ACA TAC AAT GGC AAA TGC TAC AAG AAG	102
122	Met Arg Ala Arg Val Leu Ala Thr Tyr Asn Gly Lys Cys Tyr Lys Lys	
123	5 10 15	
125	GAT AAT ATC TGC AAG TAC AAG GCA CAG AGC GGC AAG ACT GCC ATT TGC	150
126	Asp Asn Ile Cys Lys Tyr Lys Ala Gln Ser Gly Lys Thr Ala Ile Cys	
127	20 25 30 35	
129	AAG TGC TAT GTC AAA AAG TGC CCC CGC GAC GGC GCG AAA TGC GAG TTT	198
130	Lys Cys Tyr Val Lys Lys Cys Pro Arg Asp Gly Ala Lys Cys Glu Phe	
131	40 45 50	
133	GAC AGC TAC AAG GGG AAG TGC TAC TGC TAGACGGTGA GCGAAGGGAC	245
135	Asp Ser Tyr Lys Gly Lys Cys Tyr Cys	
136	55 60	
138	GAAGTAGGCT GGGGGTTATT TTACTCTGCT	275

(2) INFORMATION FOR SEQ ID NO: 2:

(i) SEQUENCE CHARACTERISTICS:

- (A) LENGTH: 60 amino acids
- (B) TYPE: amino acid
- (D) TOPOLOGY: linear

(ii) MOLECULE TYPE: protein

(xi) SEQUENCE DESCRIPTION: SEQ ID NO: 2:

RAW SEQUENCE LISTING
PATENT APPLICATION US/09/729,141DATE: 12/14/2000
TIME: 03:17:41

INPUT SET: S36208.raw

153 Met Gln Glu Met Arg Ala Arg Val Leu Ala Thr Tyr Asn Gly Lys Cys
154 1 5 10 15
155
156 Tyr Lys Lys Asp Asn Ile Cys Lys Tyr Lys Ala Gln Ser Gly Lys Thr
157 20 25 30
158
159 Ala Ile Cys Lys Cys Tyr Val Lys Lys Cys Pro Arg Asp Gly Ala Lys
160 35 40 45
161
162 Cys Glu Phe Asp Ser Tyr Lys Gly Lys Cys Tyr Cys
163 50 55 60
164
165
166

(2) INFORMATION FOR SEQ ID NO: 3:

(i) SEQUENCE CHARACTERISTICS:

- (A) LENGTH: 51 amino acids
(B) TYPE: amino acid
(D) TOPOLOGY: linear

(ii) MOLECULE TYPE: protein

(v) FRAGMENT TYPE: C-terminal

(vi) ORIGINAL SOURCE:

- (A) ORGANISM: Aspergillus giganteus

(ix) FEATURE:

- (A) NAME/KEY: Protein
(B) LOCATION: 1..51
(D) OTHER INFORMATION: /note= "active protein fragment of AFP"

(xi) SEQUENCE DESCRIPTION: SEQ ID NO: 3:

Ala Thr Tyr Asn Gly Lys Cys Tyr Lys Lys Asp Asn Ile Cys Lys Tyr
1 5 10 15
Lys Ala Gln Ser Gly Lys Thr Ala Ile Cys Lys Cys Tyr Val Lys Lys
20 25 30
Cys Pro Arg Asp Gly Ala Lys Cys Glu Phe Asp Ser Tyr Lys Gly Lys
35 40 45
Cys Tyr Cys
50

(2) INFORMATION FOR SEQ ID NO: 4:

(i) SEQUENCE CHARACTERISTICS:

**RAW SEQUENCE LISTING**
PATENT APPLICATION US/09/729,141DATE: 12/14/2000
TIME: 03:17:41**INPUT SET: S36208.raw**

206 (A) LENGTH: 1032 base pairs
207 (B) TYPE: nucleic acid
208 (C) STRANDEDNESS: single
209 (D) TOPOLOGY: linear
210
211 (ii) MOLECULE TYPE: cDNA
212
213 (vi) ORIGINAL SOURCE:
214 (A) ORGANISM: Hordeum vulgare
215 (B) STRAIN: L.cv. Piggy
216
217 (vii) IMMEDIATE SOURCE:
218 (A) LIBRARY: cDNA gene bank in lambda-gt-11-phages
219
220 (ix) FEATURE:
221 (A) NAME/KEY: 5'UTR
222 (B) LOCATION: 1..42
223
224 (ix) FEATURE:
225 (A) NAME/KEY: CDS
226 (B) LOCATION: 43..885
227 (D) OTHER INFORMATION: /codon_start= 43
228 /function= "antifungal activity"
229 /product= "protein synthesis inhibitor (PSI)"
230 /note= "antifungal activity, especially on spores
231 of Trichoderma reesii and Fusarium sporotrichoides
232 and on Rhizoctonia solani."
233
234 (ix) FEATURE:
235 (A) NAME/KEY: 3'UTR
236 (B) LOCATION: 886..1032
237 (D) OTHER INFORMATION: /partial
238 /note= "46 nucleotides at the 3'-end not shown."
239



SEQUENCE VERIFICATION REPORT

PATENT APPLICATION US/09/729,141

DATE: 12/14/2000
TIME: 03:17:42

INPUT SET: S36208.raw

Line	Error	Original Text
5	Mandatory Value Not Present	(i) APPLICANT:
6	Unknown or Misplaced Identifier	(A) NAME: Logemann, Juergen
7	Unknown or Misplaced Identifier	(B) STREET: Lavendeltuyn 5
8	Unknown or Misplaced Identifier	(C) CITY: NB Leiden
9	Unknown or Misplaced Identifier	(E) COUNTRY: The Netherlands
10	Unknown or Misplaced Identifier	(F) POSTAL CODE (ZIP): 2317
12	Unknown or Misplaced Identifier	(A) NAME: Jach, Guido
13	Unknown or Misplaced Identifier	(B) STREET: Maternusstrasse 22
14	Unknown or Misplaced Identifier	(C) CITY: Koeln
15	Unknown or Misplaced Identifier	(E) COUNTRY: Germany
16	Unknown or Misplaced Identifier	(F) POSTAL CODE (ZIP): 50678
18	Unknown or Misplaced Identifier	(A) NAME: Goernhardt, Birgit
19	Unknown or Misplaced Identifier	(B) STREET: Auf dem Knoepp 28
20	Unknown or Misplaced Identifier	(C) CITY: Koeln
21	Unknown or Misplaced Identifier	(E) COUNTRY: Germany
22	Unknown or Misplaced Identifier	(F) POSTAL CODE (ZIP): 51145
24	Unknown or Misplaced Identifier	(A) NAME: Mundy, John
25	Unknown or Misplaced Identifier	(B) STREET: NY Carlsberg Vej 6, 4th
26	Unknown or Misplaced Identifier	(C) CITY: V Copenhagen
27	Unknown or Misplaced Identifier	(E) COUNTRY: Denmark
28	Unknown or Misplaced Identifier	(F) POSTAL CODE (ZIP): 1760
30	Unknown or Misplaced Identifier	(A) NAME: Schell, Jeff
31	Unknown or Misplaced Identifier	(B) STREET: Carl-von-Linne-Weg 10
32	Unknown or Misplaced Identifier	(C) CITY: Koeln
33	Unknown or Misplaced Identifier	(E) COUNTRY: Germany
34	Unknown or Misplaced Identifier	(F) POSTAL CODE (ZIP): 50829
36	Unknown or Misplaced Identifier	(A) NAME: Eckes, Peter
37	Unknown or Misplaced Identifier	(B) STREET: Am Flachsland 18
38	Unknown or Misplaced Identifier	(C) CITY: Kelkheim (Taunus)
39	Unknown or Misplaced Identifier	(E) COUNTRY: Germany
40	Unknown or Misplaced Identifier	(F) POSTAL CODE (ZIP): 65779
42	Unknown or Misplaced Identifier	(A) NAME: Chet, Ilan
43	Unknown or Misplaced Identifier	(B) STREET: Shikun Ezrachi
44	Unknown or Misplaced Identifier	(C) CITY: Nes Ziona
45	Unknown or Misplaced Identifier	(E) COUNTRY: Israel
46	Unknown or Misplaced Identifier	(F) POSTAL CODE (ZIP): 70400
67	Wrong application Serial Number	(A) APPLICATION NUMBER: reissue application of U.S.
72	Unknown or Misplaced Identifier	(A) ATTORNEY NAME: Tenser, Arthur
74	Unknown or Misplaced Identifier	(C) AGENT NAME: Kole, Lisa



BAKER BOTTS LLP

Please type a plus sign (+) inside this box → ☒

09/729,141 12/1/2000 Logemann 1652 To Be Assigned A29542-FWC-I-R 070037.0195

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/729,141
	Filing Date	12/1/2000
	First Named Inventor	Logemann
	Group Art Unit	1652
	Examiner Name	To Be Assigned
Total Number of Pages in This Submission	Attorney Docket Number	A29542-FWC-I-R 070037.0195

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): See below
Remarks <input checked="" type="checkbox"/>		
1. Response to Notice to Comply with Requirements for Patent Appln Containing Nucleotide Sequences and/or Amino Acid Sequences 2. Diskette 3. Sequence Listing		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	BakerBotts LLP 30 Rockefeller Plaza New York, NY 10112	
Signature	<i>Carmella L. Stephens</i>	Att Name: Carmella L. Stephens PTO Reg: 41,328
Date	10/21/02	

CERTIFICATE OF MAILING		
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 10/21/02		
Typed or printed name	Carmella L. Stephens	
Signature	<i>Carmella L. Stephens</i>	Date 10/21/02

BAKER BOTTS LLP

Attorney Docket Number: A29542-FWC-I-R 070037.0195

Title:

TRANSGENIC PATHOGEN-RESISTANT ORGANISMS



Use Space Below for Additional Information: